

To the Honorable Council
City of Norfolk, Virginia

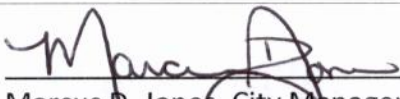
November 10, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exceptions for a convenience store, 24-hours (with fuel sales) and for the sale of alcoholic beverages for off-premises consumption at 1126 N. Military Highway - Wawa**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-6**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval** for both requests.
- III. **Requests:** For the following requests:
 - a. **Special exception to operate a Convenience Store, 24-hours (with fuel sales)**
 - b. **Special exception for the Sale of Alcoholic Beverages for Off-Premises Consumption**
- IV. **Applicant:** Wawa
- V. **Description:**
 - The requests would allow the construction of a 24-hour convenience store with gasoline sales, which would include the sale of beer and wine for off-premises consumption; single servings will not be allowed.
 - The property is currently developed with a Kangaroo gas station and convenience store as well as a vacant drive-through restaurant.
 - The use of the site for alcoholic beverages sales for off-premises consumption is legally nonconforming and is not regulated by conditions in a special exception.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated October 22, 2015 with attachments
- Proponents and Opponents
- Ordinances

Planning Commission Public Hearing: October 22, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, CFM

Staff Report	Item No. 5	
Address	1136 and 1146 North Military Highway, and the northern portion of property located at 1126 North Military Highway	
Applicant	Wawa	
Request	Special Exceptions	a. Convenience store, 24-hours (with fuel sales) b. Sale of alcoholic beverages for off-premises consumption
Property Owners	The American Heart Association and JANAF Shopping Center	
Site Characteristics	Site/Building Area	1.85 acres/6,049 square feet
	Zoning	C-3 (Retail Center) and JANAF Localized Alternative Sign Overlay districts (JANAF-LASO)
	Neighborhood	JANAF
	Character District	Suburban
Surrounding Area	North	C-3: Hooters
	East	C-3: Wal-Mart and JANAF Shopping Center
	South	C-3: Little Caesars Pizza and Burger King
	West	C-2: Taco Bell and Starbucks



A. Summary of Request

The requests would allow the construction of a 24-hour convenience store with gasoline sales, which would include the sale of beer and wine for off-premises consumption; single servings will not be allowed.

B. Plan Consistency

- The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as commercial.
- The *Comprehensive Plan for the Military Highway Corridor District* calls for the installation of landscape treatments along the corridor to upgrade its image and appearance.
 - The plan identifies the entrance to JANAF as a special gateway and calls for special gateway treatments to be developed to provide additional landscaping or hardscape to call attention to the entrance.
- To be fully consistent with *plaNorfolk2030*, a condition should be included requiring the installation of street trees or similar landscaping along North Military Highway, with an emphasis on gateway elements at the northwest corner at the entrance to JANAF.

C. Zoning Analysis

i. General

- The proposed uses are permitted in the C-3 district by special exception.
- The property is currently developed with a Kangaroo gas station and convenience store as well as a vacant drive-through restaurant.
- The use of the site for alcoholic beverages sales for off-premises consumption is legally nonconforming and is not regulated by conditions in a special exception.
- Wawa is proposing to redevelop the site in accordance with the attached conceptual site plan.

Previous Operation	Previous Hours	Proposed Hours (Wawa)
Hours of Operation (Kangaroo gas station)	24-hours a day, seven days a week	24-hours a day, seven days a week
Hours of Operation (El Pollo Loco)	8:00 a.m. until 10:00 p.m., Monday through Thursday 8:00 a.m. until 11:00 p.m., Friday and Saturday 10:00 a.m. until 11:00 p.m., Sunday	
Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption (Kangaroo gas station)	6:00 a.m. until 12 midnight, seven days a week	6:00 a.m. until 12 midnight, seven days a week

- Special exception history:

City Council Approval	Applicant	Changes
1999	Angus Hines, Inc. (Citgo)	<ul style="list-style-type: none"> • Gas station and car wash <ul style="list-style-type: none"> ○ Off-premise alcohol sales did not require a special exception until the end of 2000
2007	El Pollo Loco	<ul style="list-style-type: none"> • Commercial drive-through
Pending	Wawa	<ul style="list-style-type: none"> • Convenience store, 24-hours (with fuel sales) • Sale of alcoholic beverages for off-premises consumption

ii. Parking

- The site is located in the Suburban Character district which requires one parking spaces per 100 square feet of sales floor area within the building.
- The proposed 6,049 square foot sales floor will be required to provide 60 off-street parking spaces.
 - The proposed development complies with the off-street parking requirements.
- Three bicycle parking spaces will be required.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this proposed convenience store development with gasoline sales will generate 2,250 new vehicle trips per day.
- Based upon ITE data, the prior gas station and fast food restaurant uses on this site would be expected to generate a combined 3,504 weekday trips while the proposed new convenience store would be expected to generate 5,754 trips on weekdays.
- North Military Highway adjacent to this location is not identified as a severely congested corridor in the PM peak in the most recent update to regional Hampton Roads Congestion Management analysis.
- The site is near frequent transit service with Hampton Roads Transit bus routes 15 (North Military Hwy) and 23 (Princess Anne) operating near the site.
- Three of six existing access points to the site will be closed as part of the site redevelopment; this will improve access management, traffic circulation and safety near the intersections.

E. Impact on the Environment

- The development of the site will require approval through the Site Plan Review process and will meet City development regulations, including landscaping and stormwater requirements.
- In order to comply with the *Comprehensive Plan for the Military Highway Corridor District*, a landscape plan is included as a condition of the special exception in order to ensure that an additional landscape treatment is provided along the N. Military Highway street façade; above the minimum required through the Site Plan Review process.

F. Impact on Surrounding Area/Site

- Through the Site Plan Review Process, the City will require a lighting plan to be reviewed and approved by the Norfolk Police Department, in order to ensure the site addresses potential CPTED concerns (Crime Prevention Through Environmental Design).
 - The lighting plan will require proper installation of light shielding devices in order to ensure there is no spillover onto the adjacent properties

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

Notice was sent to the Lake Taylor Civic League on September 10.

I. Communication Outreach/Notification

- Legal notice was posted on the property on September 15.
- Letters were mailed to all property owners within 300 feet of the property on October 8.
- Legal notification was placed in *The Virginian-Pilot* on October 8 and October 15.

J. Recommendation

Staff recommends that the special exception requests be **approved** subject to the conditions shown below:

Convenience Store, 24-hours (with fuel sales) Conditions

- (a) The site shall be generally designed in accordance with the conceptual site plan prepared by Kimley Horn and Associates, Inc., dated October 6, 2015, attached hereto and marked as "Exhibit B," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (b) All signage on the site shall conform to the material, size, and placement standards depicted in the sign package, attached hereto, and marked as "Exhibit C," subject to any required revisions made during the Site Plan Review and building permit plan review processes.

- (c) All landscaping on the site shall conform to the specifications as depicted in the Military Highway Corridor Comprehensive Plan with final review for compliance to be reviewed by the City's Department of Recreation, Parks and Open Space, subject to any required revisions made during the Site Plan Review process.
- (d) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.
- (e) Three bicycle parking spaces shall be provided on the site.
- (f) Not less than 50% of the building façade facing North Military Highway to the west shall be maintained as transparent as defined in the Zoning Ordinance of the City of Norfolk, 1992 (as amended), and the building elevations shall be constructed substantially in conformance with the elevations entitled "WAW W50T FB-VA," dated September 3, 2015, prepared by Cuhaci & Peterson Architects, attached hereto and marked as "Exhibit C.
- (g) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (h) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (i) The northern most curb cut located along the eastern line of North Military Highway shall be closed and landscaped.
- (j) All non-conforming fences and signs on the site shall be removed.
- (k) No vehicle shall be parked within any sight triangle on the property, any public right-of-way, or any unimproved surface.
- (l) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.

- (m) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (n) The property shall be kept in a clean and sanitary condition at all times.
- (o) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (p) The establishment shall maintain a current, active business license at all times while in operation.
- (q) No business license shall be issued until conditions (c), (e), (i), (j) and (l) have all been implemented fully on the site.

Sale of Alcoholic Beverages for Off-Premises Consumption – Conditions

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 6:00 a.m. until 12:00 midnight, seven days a week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner

different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments

Location map
Zoning map
1000' radii map of similar ABC establishments
Applications
Physical survey
Conceptual site plan
Landscape plan
Building elevations – fenestration
Sign package
Notice to the Lake Taylor Civic League

Proponents and Opponents

Proponents


Randy Royal – Representative, consulting engineer
4500 Main Street, Suite 500
Virginia Beach, VA 23462

Opponents

None

10/19/2015 lds

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT A CONVENIENCE STORE, 24-HOURS (WITH FUEL SALES) KNOWN AS "WAWA" ON PROPERTY LOCATED AT 1146 NORTH MILITARY HIGHWAY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a Convenience Store, 24-hours (with fuel sales) known as "Wawa" on property located at 1146 North Military Highway. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 355 feet, more or less, along the eastern line of North Military Highway, beginning 730 feet, more or less, from the southern line of Lowery Road and extending southwardly, premises now or formally numbered 1136 and 1146 North Military Highway; property also includes an abutting portion of property fronting 64 feet, more or less, along the eastern line of North Military Highway on property numbered 1146 North Military Highway.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The site shall be generally designed in accordance with the conceptual site plan prepared by Kimley Horn and Associates, Inc., dated October 6, 2015, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (b) All signage on the site shall conform to the material, size, and placement standards depicted in the sign package attached hereto and marked as "Exhibit B," subject to any revisions required by

the City to be made during the Site Plan Review and building permit plan review processes.

- (c) All landscaping on the site shall conform to the specifications as depicted in the Military Highway Corridor Comprehensive Plan with final review for compliance to be reviewed by the City's Department of Recreation, Parks and Open Space, subject to any revisions required by the City to be made during the Site Plan Review process
- (d) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.
- (e) Three bicycle parking spaces shall be provided on the site.
- (f) Not less than 50% of the building façade facing North Military Highway to the west shall be maintained as transparent as defined in the Zoning Ordinance of the City of Norfolk, 1992 (as amended), and the building elevations shall be constructed substantially in conformance with the elevations entitled "WAW W50T FB-VA," dated September 3, 2015, prepared by Cuhaci & Peterson Architects, attached hereto and marked as "Exhibit C.
- (g) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of

the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

- (h) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (i) The northern most curb cut on the property located along the eastern line of North Military Highway shall be closed and landscaped.
- (j) All non-conforming fences and signs on the site shall be removed.
- (k) All bollards on the site shall be painted and maintained free of visible corrosion.
- (l) No vehicle shall be parked within any sight distance triangle on the property, any public right-of-way, or any unimproved surface.
- (m) Any dumpster shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.
- (n) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter and refuse.
- (o) The property shall be kept in a clean and sanitary condition at all times.
- (p) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (q) The establishment shall maintain a current, active business license at all times while in operation.
- (r) No business license shall be issued until conditions (c), (e), (i), (j) and (l) have all been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

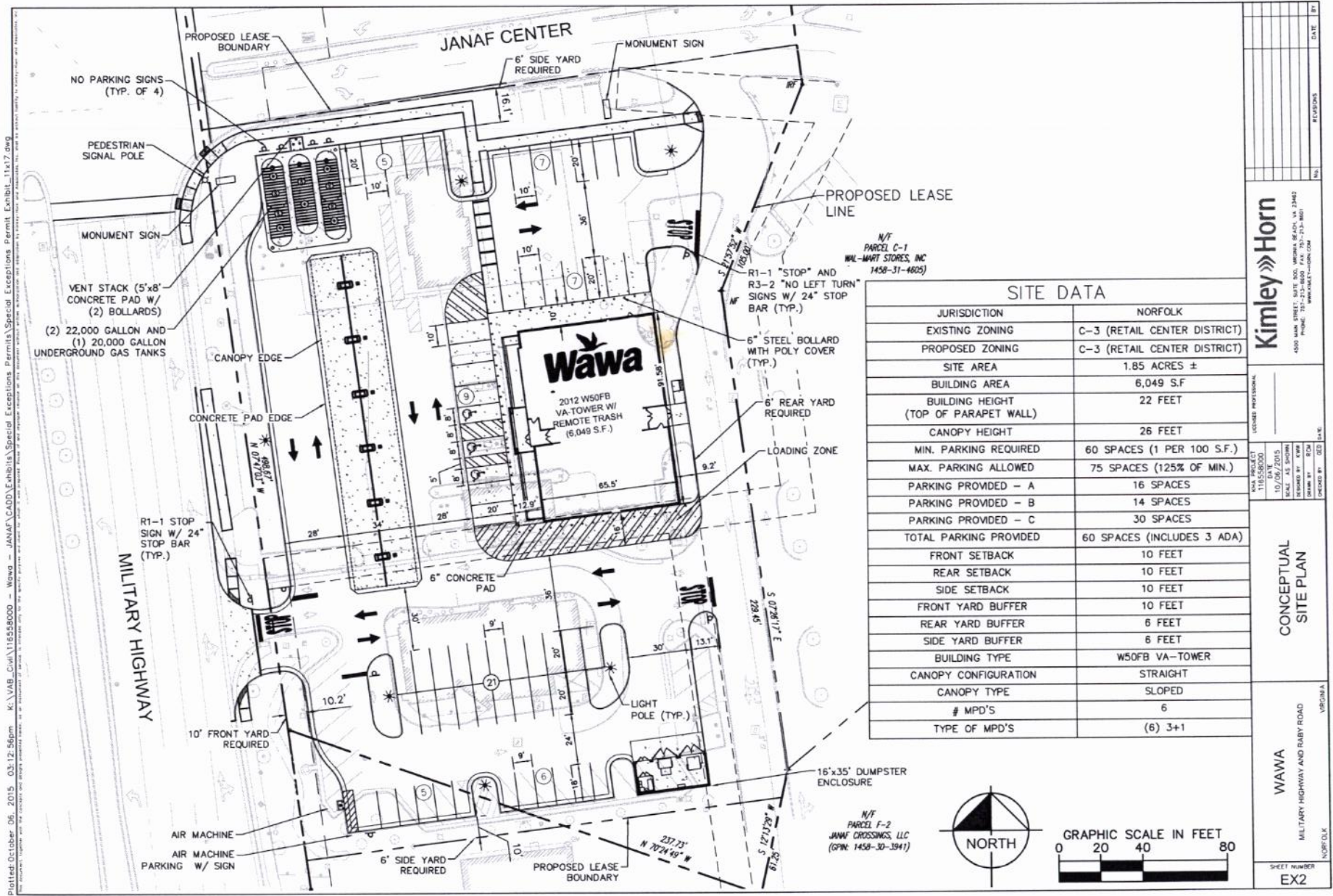
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the City as a whole;
- (j) The proposed use and development complies with all additional imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

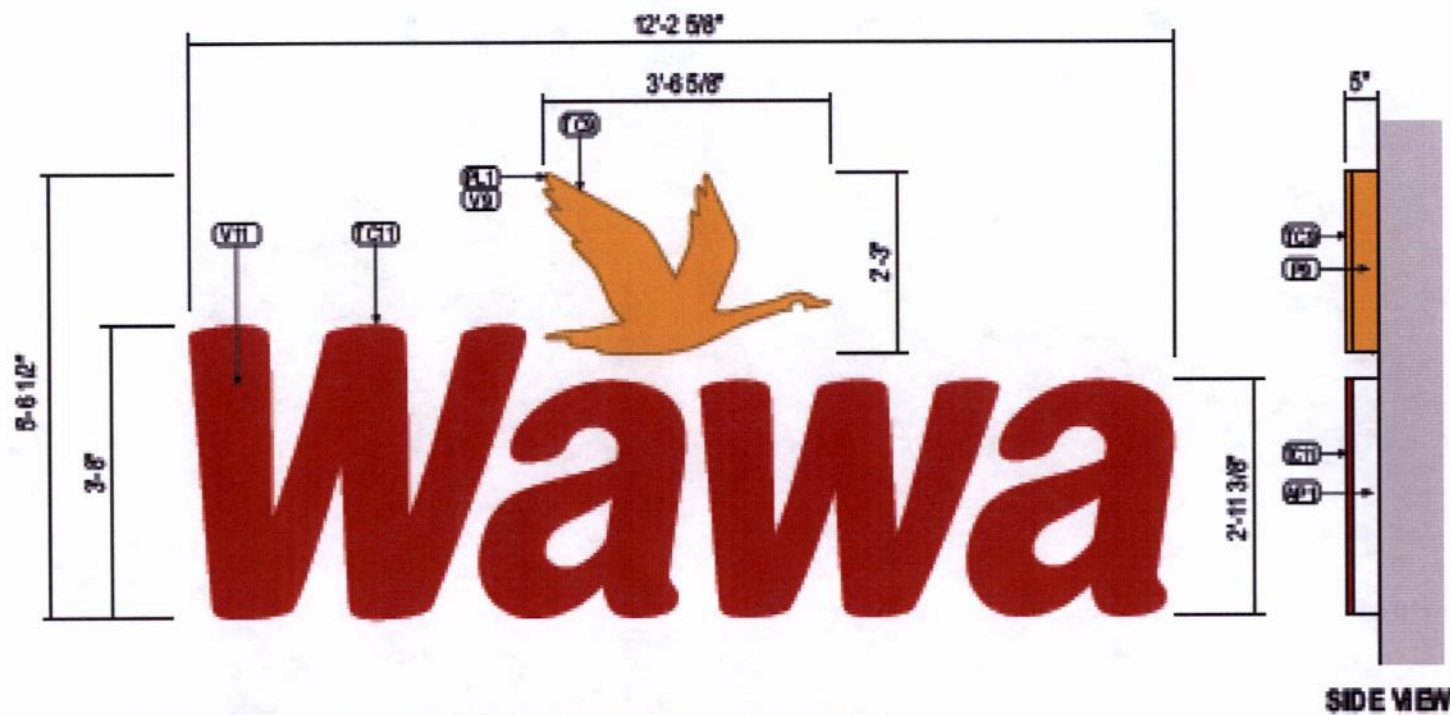
Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)
Exhibit B (4 pages)
Exhibit C (1 page)

Plotted: October 06, 2015 03:12:56pm K:\VAB_Civil\115558000 - Wawa - JANAF\CADD\Exhibits\Special Exceptions Permits\Exhibit_11x17.dwg



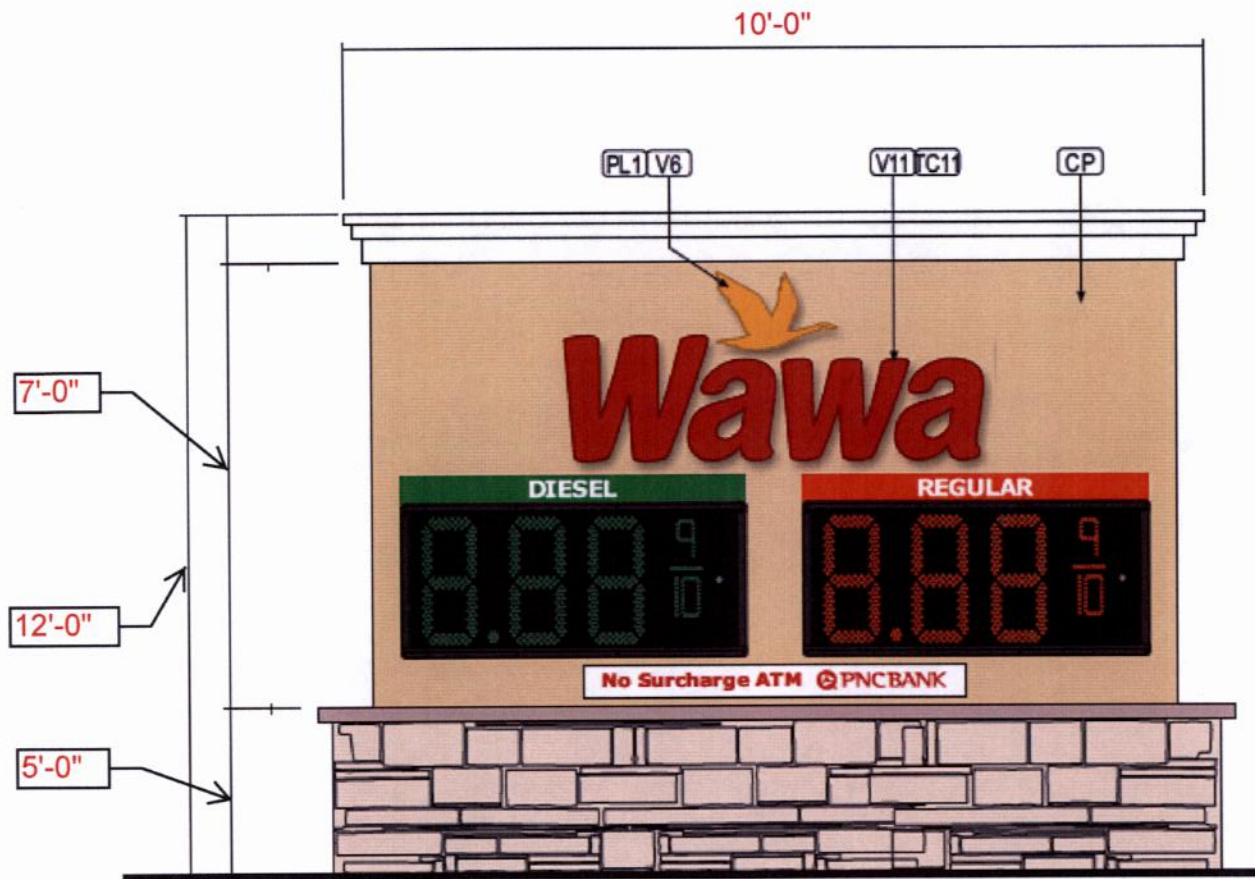


44" ILLUMINATED CHANNEL LETTERS w/ GOOSE LOGO

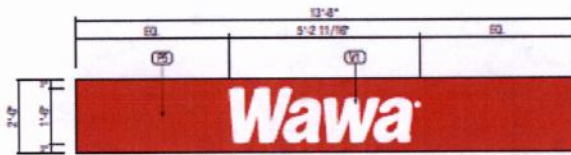
STANDARD SPECS - SEE COLOR SPECIFICATION LIBRARY

SCALE: 3/8"=1'-0"

Internally Illuminated Building Sign (2 of these)

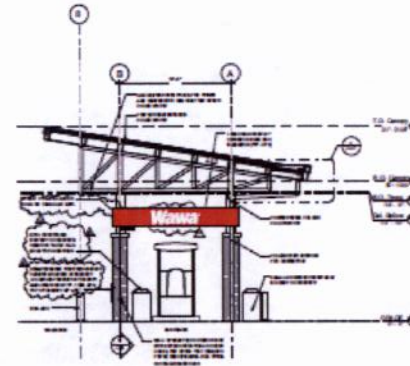


Internally Illuminated Road Sign



GAS PUMP SPANNER (STRAIGHT PUMPS)

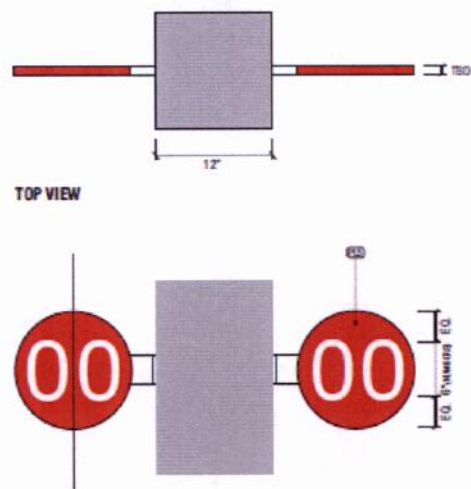
SCALE: 3/8"=1'-0"



CANOPY ELEVATION

SCALE: 3/32"=1'-0"

Non-illuminated Gas Pump Spanner (2 of these)



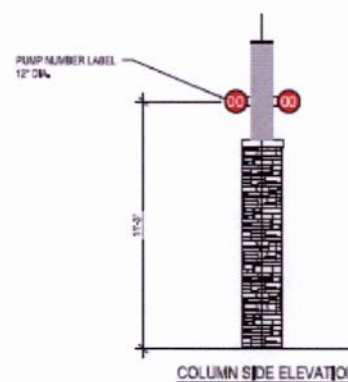
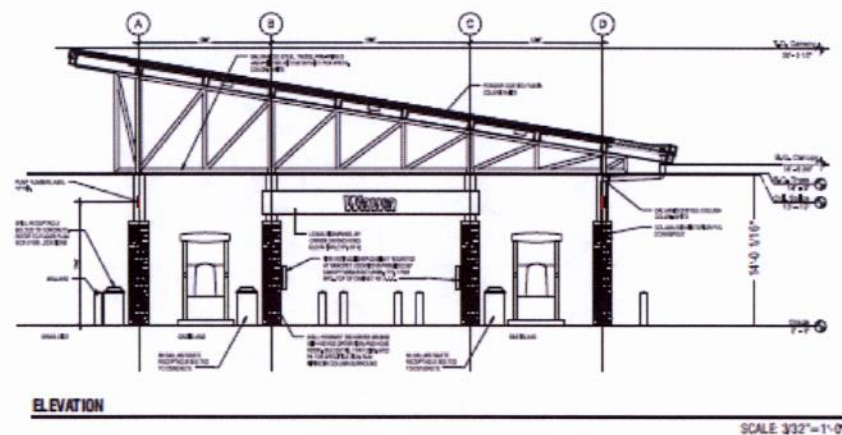
GAS CANOPY PUMP NUMBER

NOTE: NUMBERS RANGE FROM 01-10
FONT TYPE: VERDANA TO BE CONFIRMED

SCALE 1"=7'-0"



GAS CANOPY PUMP NUMBER USING FONT VERDANA

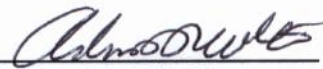


SIDE ELEVATION

SCALE: 3/16"=1'-0"

Non-illuminated Gas Pump Numbers (at each dispenser)

Form and Correctness Approved:

By 
Office of the City Attorney

Contents Approved: CW

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "WAWA" ON PROPERTY LOCATED AT 1146 NORTH MILITARY HIGHWAY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Wawa, authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Wawa" on property located at 1146 North Military Highway. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 355 feet, more or less, along the eastern line of North Military Highway, beginning 730 feet, more or less, from the southern line of Lowery Road and extending southwardly, premises now or formally numbered 1136 and 1146 North Military Highway; property also includes an abutting portion of property fronting 64 feet, more or less, along the eastern line of North Military Highway on property numbered 1146 North Military Highway.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the

establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) All beer sold for off premises consumption shall be in a package containing a minimum of six (6) bottles or cans and all wine shall be sold in containers with a minimum of 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served

adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (2 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: September 4, 2015

Name of business: Wawa

Address of business: 1136 & 1094 Military Hwy.

Name(s) of business owner(s)*: Wawa

Name(s) of property owner(s)*: The American Heart Association & JANAF Shopping Center

Name(s) of business manager(s)/operator(s): John Eidberger

Daytime telephone number (610) 358-8000

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Weekday From 24 hours To

Friday From 24 hours To

Saturday From 24 hours To

Sunday From 24 hours To

Alcoholic Beverage Sales

Weekday From 24 hours To

Friday From 24 hours To

Saturday From 24 hours To

Sunday From 24 hours To

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

3. Alcoholic beverages to be sold:

☐ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510


Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Exhibit A – Page 2
ABC-Off

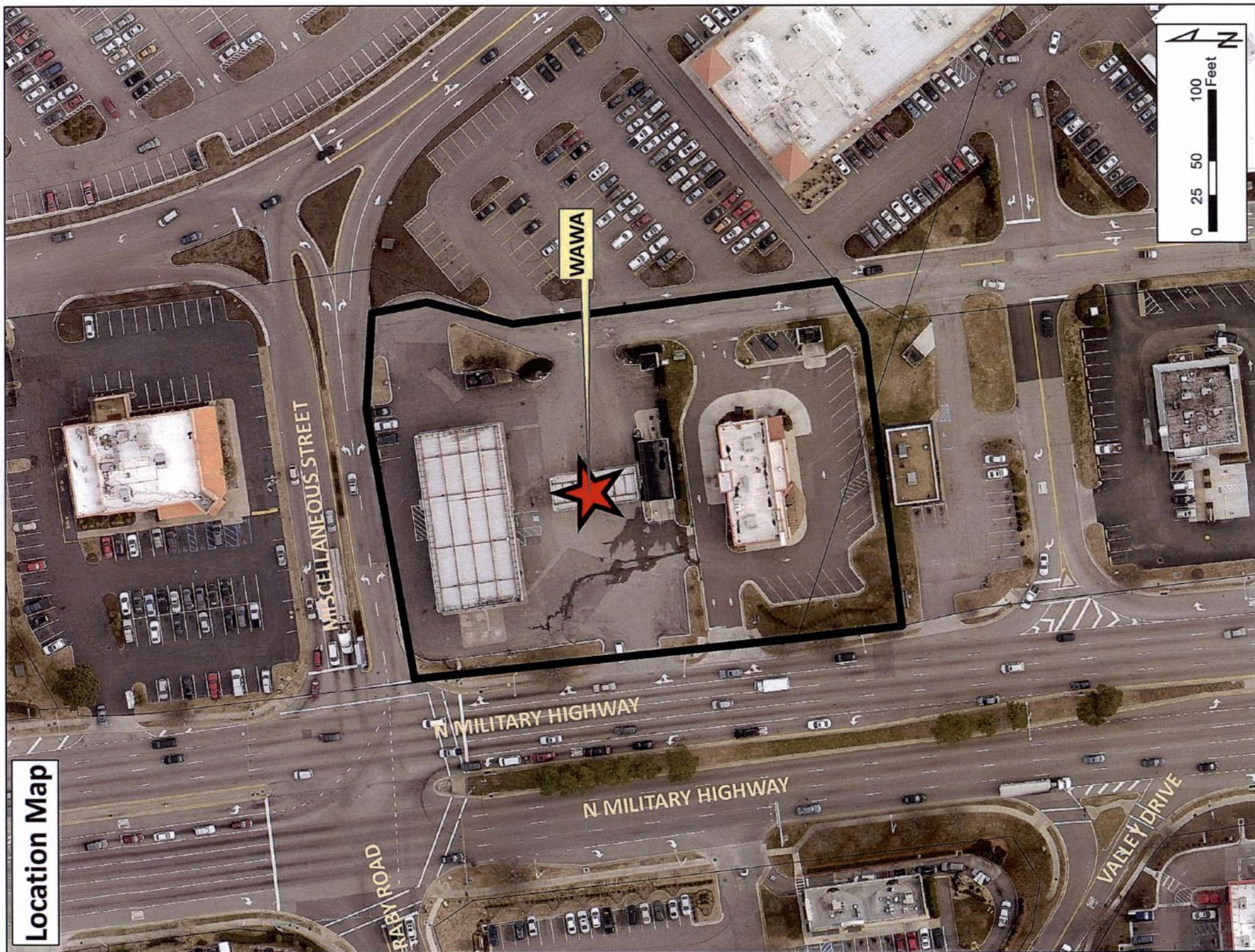
4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Wawa does not sell single-serving containers of wine in the aforementioned size.



Signature of applicant/owner
Matthew D. Mason

Location Map



WAWA

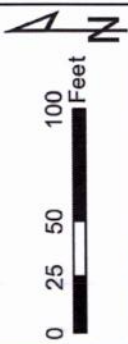
MISCELLANEOUS STREET

N MILITARY HIGHWAY

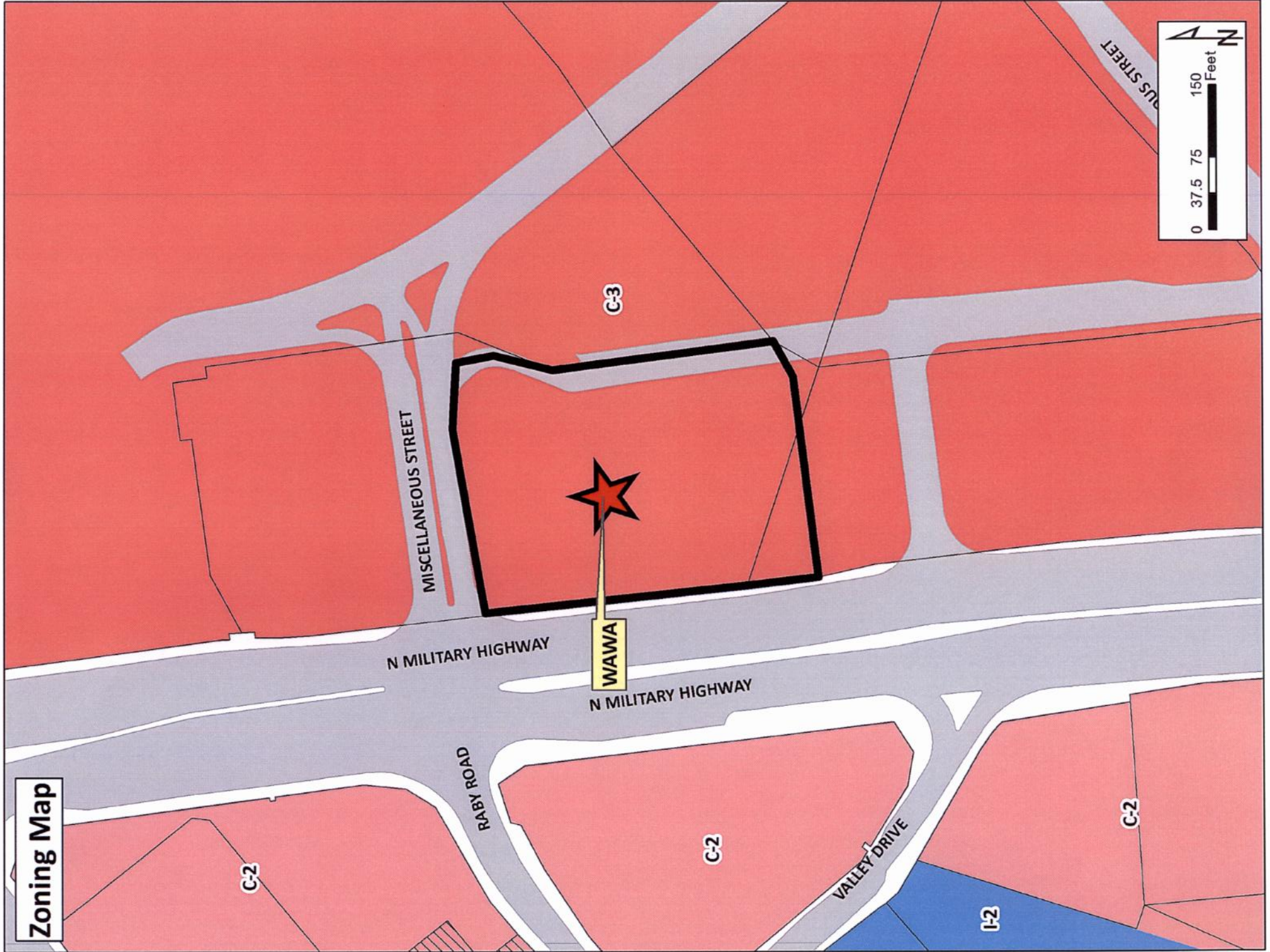
N MILITARY HIGHWAY

RABY ROAD

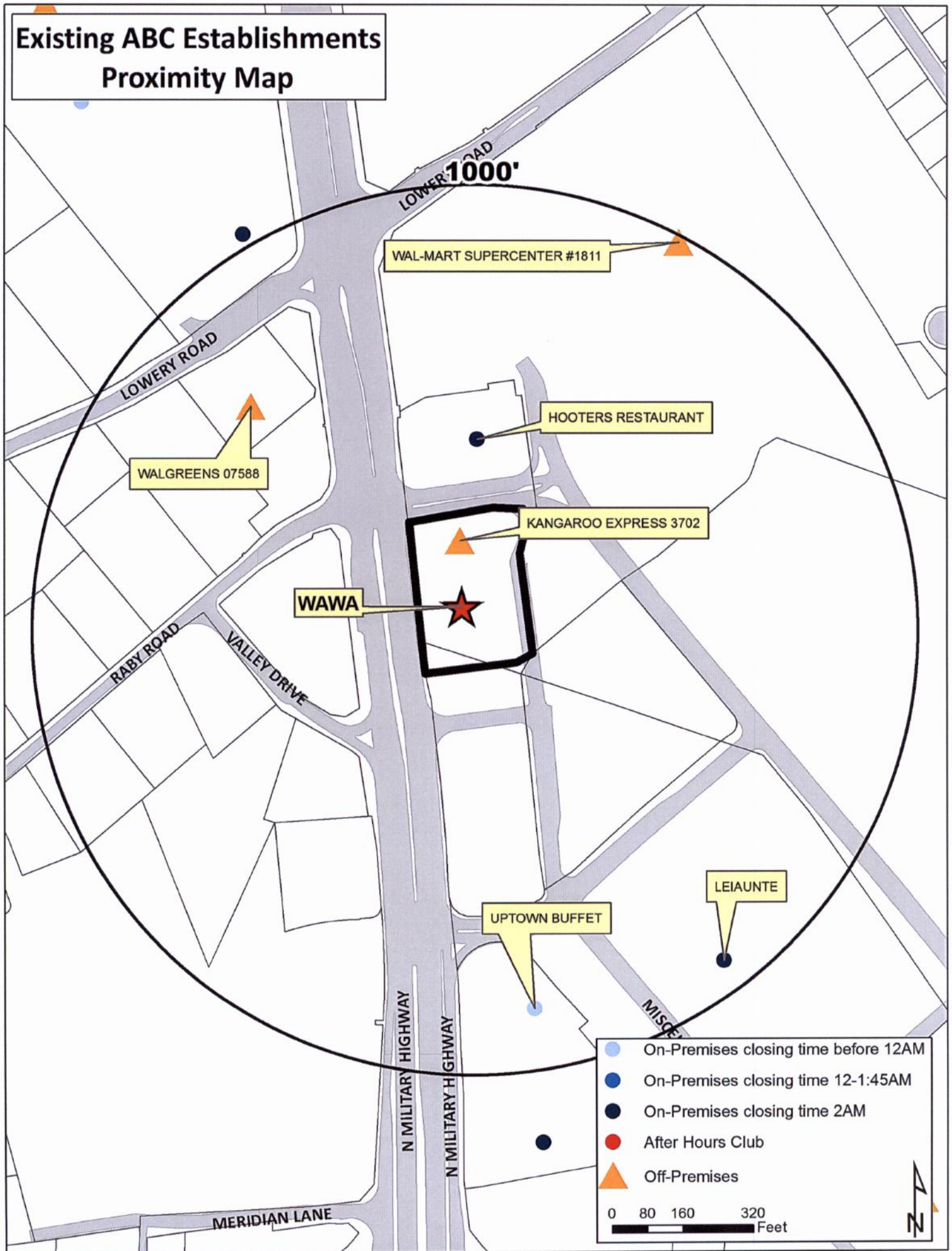
VALEY DRIVE



Zoning Map



Existing ABC Establishments Proximity Map





APPLICATION SPECIAL EXCEPTION

Special Exception for: Fuel Sales and 24-Hour Operations for Wawa JANAF - Military Hwy. and Raby Rd.

Date of application: September 4, 2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1136 & 1094 (Street Name) N Military Hwy.

Existing Use of Property Gas Station & Restaurant (Commercial)

Current Building Square Footage Total: 11,819 Gas Station: 1,647 SF Hooters: 6,805 SF
Restaurant: 3,367 SF

Proposed Use

Gas Station with Convenience Store & Restaurant (Commercial)

Proposed Square Footage Total: 12,854

Wawa Gas Station: 6,049 SF Hooters: 6,805 SF

Proposed Hours of Operation: (Wawa)

Weekday From 24 Hours To

Friday From 24 Hours To

Saturday From 24 Hours To

Sunday From 24 Hours To

Trade Name of Business (If applicable) Wawa

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(Revised January, 2015)

**Application
Special Exception
Page 2**

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant () Fax ()

E-mail address of applicant:

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant () Fax ()

E-mail address of applicant:

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner () email:

**Application
Special Exception
Page 2**

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(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner () email:

CIVIC LEAGUE INFORMATION

Civic League contact: Janaf Civic League

Date(s) contacted: N/A - Civic League is no longer operating

Ward/Super Ward information: Ward 4, Paul R. Riddick, Superward 7, Angelia Williams Graves

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

See attached Heart Association Letter as signature substitution
Print name: _____ Sign: _____ / _____ / _____
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Matthew Mason Sign: [Signature] 1/9/3/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: J. Riddick Royal Sign: J. Riddick Royal 4/8/15
(Authorized Agent Signature) (Date)

CIVIC LEAGUE INFORMATION

Civic League contact: Janaf Civic League

Date(s) contacted: N/A - Civic League is no longer operating

Ward/Super Ward information: Ward 4, Paul R. Riddick, Superward 7, Angelia Williams Graves

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Matthew D. Mason Sign: [Signature] 1/9/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Matthew D. Mason Sign: [Signature] 1/9/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: [Signature] Sign: J. Randall Royal 1/8/15
(Authorized Agent Signature) (Date)



**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application:

DESCRIPTION OF PROPERTY

Property location: (Street Number) (Street Name)

Existing Use of Property

Current Building Square Footage Gas Station: 1,647 SF Hooters: 6,805 SF
Restaurant: 3,367 SF

Proposed Use

Proposed Building Square Footage Wawa Gas Station: 6,049 SF Hooters: 6,805 SF

Trade Name of Business (If applicable)

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant ()

Fax ()

E-mail address of applicant:

DEPARTMENT OF CITY PLANNING

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2. Name of applicant: (Last) (First) (MI)

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(City) (State) (Zip Code)

Daytime telephone number of applicant () Fax ()

E-mail address of applicant:

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner () email:

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) (First) (MI)

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(City) (State) (Zip Code)

Daytime telephone number of applicant Fax

E-mail address of applicant:

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(City) (State) (Zip Code)

Daytime telephone number of owner email:

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ One 8½ inch X 11 inch copy of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

See attached Heart Association Letter as signature substitution
Print name: _____ Sign: _____ / _____ / _____
(Property Owner or Authorized Agent of Signature) (Date)

Print name: MATTHEW MASON Sign: [Signature] 19/3/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: J. Randall Royal Sign: J. Randall Royal 9 / 8 / 15
(Authorized Agent Signature) (Date)

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
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 - ☐ ☐ ☐ ☐ ☐
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- ✓ One 8½ inch X 11 inch copy of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Matthew D. Mason Sign: [Signature] 19/1/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Matthew D. Mason Sign: [Signature] 19/1/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: [Signature] Sign: [Signature] 9/8/15
(Authorized Agent Signature) (Date)



Simons, Matthew

From: Straley, Matthew
Sent: Thursday, September 10, 2015 11:06 AM
To: 'laketaylorcivicleague@gmail.com'
Cc: Riddick, Paul; Williams, Angelia M.; Howard, Oneiceia; Simons, Matthew
Subject: new Planning Commission applications - 1094 & 1136 N Military Highway
Attachments: Wawa_24-hr_convenience.pdf; Wawa-ABC_Off.pdf

Mr. Speight,

Attached please find the following applications for special exceptions at 1094 and 1136 N. Military Highway:

- a. Convenience store, 24-hours (with fuel sales).
- b. Sale of alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the October 22, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons* at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569